

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00098-MR-WCM**

JOSHUA T. GRIFFIN,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
SHANNON MORTIER, in her official)
and individual capacities, VAN)
DUNCAN, in his official and)
individual capacities, GLEN)
MATAYABAS, in his official and)
individual capacities, SCOTT)
ALLEN , in his official and individual)
capacities, BUNCOMBE COUNTY)
SHERIFF'S DEPARTMENT,)
BUNCOMBE COUNTY, JOHN DOE,)
in his official and individual)
capacities, and OTHER UNKNOWN)
DEFENDANTS,)
)
Defendants.)
)

THIS MATTER is before the Court on the Motions to Dismiss filed by Defendants Van Duncan, Glen Matayabas, Scott Allen, the Buncombe County Sheriff's Department, and Buncombe County [Docs. 4, 5]; the Magistrate Judge's Memorandum and Recommendation [Doc. 21] regarding

the disposition of those motions; and the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 22].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendants' motions and to submit a recommendation for their disposition.

On August 14, 2018, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the motions to dismiss. [Doc. 21]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed Objections on August 28, 2018. [Doc. 22].

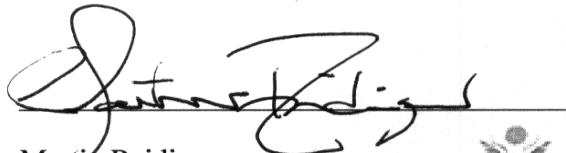
After careful consideration of the Memorandum and Recommendation and the Plaintiff's Objections thereto, the Court finds that the Magistrate Judge's proposed conclusions of law are correct and consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the motions to dismiss should be granted.

IT IS, THEREFORE, ORDERED that the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 22] are **OVERRULED**; the

Memorandum and Recommendation [Doc. 21] is **ACCEPTED**; the Motions to Dismiss filed by Defendants Van Duncan, Glen Matayabas, Scott Allen, the Buncombe County Sheriff's Department, and Buncombe County [Docs. 4, 5] are **GRANTED**; and the Plaintiff's claims against the Defendants Van Duncan, Glen Matayabas, Scott Allen, the Buncombe County Sheriff's Department, and Buncombe County are hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: November 19, 2018



Martin Reidinger
United States District Judge

